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HIGH COURT OF CHHATTISGARH: BILASPUR

SINGLE BENCH : HON'BLE SHRI JAGDISH BHALLA, Ag. CJ

Writ Petition (C) No. 6441 of 2007

Petitioner
Plaintiff

Balbhadra, S/o Faguna, aged about 50 years, Caste- Teli, R/o Village - Dokara, P.C. No. 43, R.I. Circle - Kansabel, Tahsil Bagicha, District Jashpur (C.G.)

VERSUS

Respondents
Defendants

1. Devmati @ Gubo Bai, D/o Lode Singh Rautiya, Wd/o Trilochan, aged about 50 years, Caste- Rautiya, R/o Semarkachhar (Dokara), Tehsil Bagicha, District Jashpur, (CG)
2. Paltu Singh S/o Lode Singh, aged about 46 years,
3. Janak Singh, S/o Lode Singh, aged about 44 years,
4. Ishwar Singh, S/o Lode Singh, aged about 42 years,
5. Gopal Singh, S/o Lode Singh, aged about 40 years.
- No.2 to 5 by occupation - Agriculturist, R/o village Semarkachhar, P.C. No. 41, Tehsil Bagicha, District Jashpur, (CG)
6. The State of Chhattisgarh, Through the Collector, Jashpur, District, Jashpur (CG)

Writ Petition under Article 227 of the Constitution of India

Present: Shri A.K.Prasad counsel for the petitioner.
Shri Yashwant Singh, Govt. Advocate for the State.

ORAL ORDER
(Passed on 25th October, 2007)

This petition is directed against the order dated 3.10.2007 passed by the trial Court allowing the application of the defendants filed under Section 137 of the Indian Evidence Act.

Counsel for the petitioner submits that there is no ground on the basis of which the application of the defendant could be allowed. It has been further submitted that this has been done only to fill up lacuna and the defendants want certain documents to be proved by their witnesses. Counsel for the



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petitioner failed to address the Court on the illegality committed by the trial Court. This Court finds that the trial Court has passed the order in question after hearing counsel for the parties. In the light of above, no interference is warranted and the writ petition is liable to be dismissed. It is accordingly dismissed.

**Sd/-
Acting Chief Justice**

Kamale